

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Waste Management Disposal Services of Virginia, Inc.
Facility Name:	Middle Peninsula Landfill and Recycling Facility
Facility Location:	US Rt. 17, 0.25 miles south of US Rt. 17/St. Rt. 601 Intersection in Gloucester County
Registration Number:	40920
Permit Number:	PRO40920

January 1, 2004
Effective Date

December 31, 2008
Expiration Date

Robert G. Burnley
Director, Department of Environmental Quality

November 29, 2003
Signature Date

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I. Facility Information

Permittee/Facility Name

Waste Management Disposal Services of Virginia, Inc.
Middle Peninsula Landfill and Recycling Facility
3714 Waste Management Way
Glenns, VA 23149

Responsible Official

Lee Wilson
Waste Management Disposal Services of Virginia, Inc.
Director of Landfill Operations
804-693-5109, x22

Contact person

D. Richard Guidry
Region Compliance Manager
(804) 363-3313

Facility Description: SIC Code 4953 / NAICS Code: 562212- This facility consists of a municipal solid waste landfill which collects the landfill gas generated onsite and burns it by means of flares. The facility is a Title V major source of non-methane organic compounds (NMOCs) as defined under the New Source Performance Standard (NSPS) WWW for MSW landfills. This source is located in an attainment area for all pollutants.

The Middle Peninsula Landfill and Recycling Facility (MPLRF) is a non-hazardous municipal solid waste (MSW) landfill located on U.S. Route 17, approximately 1.5 miles north of Adner, Virginia in Gloucester County. MPLRF is owned by the County of Gloucester and operated by Waste Management Disposal Services of Virginia, Inc. (WMDSV). The facility currently operates under the terms of a State Operating Permit (SOP) issued July 17, 1998, by the Virginia Department of Environmental Quality (DEQ). The facility also operates under the terms of Solid Waste Permit No. 572, issued by the DEQ Waste Division on August 15, 1994. The MPLRF began accepting waste in June of 1995. An Initial Design Capacity Report received from WMDSV on June 6, 1996 reported the MPLRF to have a design capacity of 35.4 MM m³ or 46.3 MM yd³.

II. Emission Units

A. Equipment to be operated consists of:

Emission Unit ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Stack ID	Pollutant Controlled	Applicable Permit Date
L01	Municipal Solid Waste Landfill operating since 1995, see (1) below	35.4 x 10 ⁶ m ³ , see (2) below	1 Open Flare rated at 6000 scfm	F01	S01	NMOC, VOC, HAP	July 17, 1998
			1 Enclosed Flare rated at 6000 scfm	F02	S02	NMOC, VOC, HAP	July 17, 1998
LT8	Leachate Tank #1 - leachate storage tank	500,000 gallon see (3) below	n/a	n/a	n/a	n/a	n/a
LT9	Leachate Tank #2 - leachate storage tank	500,000 gallon see (3) below	n/a	n/a	n/a	n/a	n/a
AST14	AST leachate storage tank	11,000 gallon see (3) below	n/a	n/a	n/a	n/a	n/a
AST 23	AST diesel – split tank	12,000 gallons	n/a	n/a	n/a	n/a	n/a

- (1) The landfill is controlled by a gas collection and control system that pulls gas from the landfill and sends it to an enclosed flare, with an open flare serving as a backup.
- (2) This landfill capacity was reported on the Initial Design Capacity Report Form submitted by Waste Management dated June 6, 1996. The Size/Rated Capacity is provided for informational purposes only, and is not an applicable requirement.
- (3) These tanks are subject to NSPS Kb because of their size. See Condition IV for requirements.

B. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation¹ (9 VAC)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
AST1	Above Ground Storage Tank (AST) containing diesel fuel	5-80-720.C	VOC/HAPs	2,500 gallons
AST2	AST containing used oil	5-80-720.C	VOC/HAPs	275 gallons
AST3	AST containing hydraulic fluid	5-80-720.C	VOC/HAPs	500 gallons
AST4	AST containing used oil	5-80-720.C	VOC/HAPs	500 gallons
AST5	AST containing transmission fluid	5-80-720.C	VOC/HAPs	250 gallons
AST6	AST containing motor oil	5-80-720.C	VOC/HAPs	500 gallons
AST7	AST containing transmission fluid	5-80-720.C	VOC/HAPs	250 gallons
AST10	AST containing water	5-80-720.C	N/A	550 gallons
AST11	AST containing leachate – mobile truck	5-80-720.C	VOC/HAPs	6000 gallons
AST12	AST containing water	5-80-720.C	VOC/HAPs	850 gallons
AST13	AST containing commix stormwater	5-80-720.C	N/A	6700 gallons
AST15	AST containing septic waste	5-80-720.C	N/A	25,000 gallons
SP19	Spray Painting (exempted from permitting by DEQ)	5-80-720.C	VOC/PM	450 gals/yr
AST20	AST containing Diesel	5-80-720.C	VOC/HAPs	1000 gallons
AST21	AST containing odor neutralizer	5-80-720.C	VOC/HAPs	1000 gallons
AST22	AST containing propane	5-80-720.C	VOC/HAPs	1000 gallons

¹The citation criteria for insignificant activities are as follows:

9 VAC 5-80-720 A - Listed Insignificant Activity, Not Included in Permit Application

9 VAC 5-80-720 B - Insignificant due to emission levels

9 VAC 5-80-720 C - Insignificant due to size or production rate

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

III. Landfill Requirements - (Emission Unit L01) [NSPS]

As used in this section, all terms shall have the meaning as defined in 40 CFR 60.2 and 40 CFR 60.18 of *Subpart A*, and 40 CFR 60.751 of *Subpart WWW*. A copy of sections of 40 CFR Part 60 Subpart A and 40 CFR Part 60 Subpart WWW are attached.

A. Limitations and Standards for Air Emissions

1. **NSPS Subpart WWW** – The municipal solid waste landfill, as well as the Gas Collection and Control System (GCCS), shall be constructed and operated in accordance with 40 CFR 60 Subpart WWW. The applicable provisions of Subpart WWW identified in this Permit apply at all times, except during periods of startup, shutdown or malfunction, provided that the duration of startup, shutdown or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices.
(9 VAC 5-80-110, 9 VAC 5-50-410)
2. **Gas Collection and Control System (GCCS)** - The permittee shall install and operate an active collection and control system that captures the gas generated within the landfill. The active collection system shall:
 - a. Be designed to handle the maximum expected gas flow from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment.
 - b. Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been in place for a period of 5 years or more if active or 2 years or more if closed or at final grade.
 - c. Collect gas at a sufficient extraction rate.
 - d. Be designed to minimize off-site migration of subsurface gas.

The collection and control system shall either conform with specifications for active collection systems in §60.759 or alternative provisions to §60.759 must be approved by the Administrator.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(ii)(A), 40 CFR 60.752(b)(2)(i)(C), 40 CFR 60.753(a), Condition 5 of 07/17/98 Permit)

3. **Control Requirements** - The collection system shall be operated such that all collected gas is routed to an open flare until such time that there is sufficient gas flow for the proper operation of an enclosed flare(s), after which time the open flare shall only be used as a backup when the enclosed

flare malfunctions or is shutdown for maintenance control system that complies with the requirements of:

- a. The open flare shall be designed and operated in accordance with 40 CFR 60.18.
 - (1) The open flare shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours as determined by EPA Method 22 (reference 40 CFR 60, Appendix A)
(40 CFR 60.18(c)(1), Conditions 14 of 07/17/98 Permit)
 - (2) The net heating value of gas being routed to the open flare shall be at least 200 Btu per standard cubic foot.
(40 CFR 60.18 (c)(3)(ii))
 - (3) The open flare shall be designed for and operated with an exit velocity less than sixty feet per second.
(40 CFR 60.18 (c)(4)(i))
- b. An enclosed flare designed and operated to either reduce NMOC emissions by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume (ppmv), dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million by volume shall be established by a performance test. The enclosed flare shall be operated within the parameter ranges established during the most recent performance test.

A control system involving the use of anything other than enclosed flare or an open flare may require a permit prior to installation. The flares shall be provided with adequate access for inspection.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iii), 40 CFR 60.18(c), Conditions 5, 9, and 14 of 07/17/98 Permit)

4. **Approved Fuel** - The approved fuel for the enclosed and open flares is landfill gas (LFG). Natural gas or LP gas may be used as fuel for the pilot. A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110, Condition 7 of 07/17/98 Permit)
5. **Fuel Consumption** - The enclosed flare and open flare combined shall consume no more than 3.22×10^9 cubic feet of LFG per year, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-110, Condition 8 of 07/17/98 Permit)
6. **Emission Limits** - Emissions from the operation of the landfill and landfill gas collection and control system shall not exceed the limits specified below:

Non Methane Organic Compounds (VOCs as hexane)	23.4 lbs/hr	102.8 tons/yr
Nitrogen Oxides (as NO ₂)	12.9 lbs/hr	56.4 tons/yr
Carbon Monoxide	31.3 lbs/hr	141.1 tons/yr
Particulate Matter (as PM ₁₀)	3.4 lbs/hr	14.8 tons/yr
Sulfur Dioxide	2.8 lbs/hr	12.4 tons/yr
Toluene	1.3 lbs/hr	5.9 tons/yr
Hydrogen Chloride	1.4 lbs/hr	6.2 tons/yr

(9 VAC 5-80-110, Condition 10 of 07/17/98 Permit)

7. **Emission Limits** - Emissions from the operation of the enclosed flare shall not exceed the limits specified below:

Nitrogen Oxides (as NO ₂)	0.070 lbs/10 ⁶ Btu (based on LFG lower heating value) 12.9 lbs/hr
Carbon Monoxide	0.170 lbs/10 ⁶ Btu (based on LFG lower heating value) 31.3 lbs/hr

(9 VAC 5-80-110, Condition 11 of 07/17/98 Permit)

8. Visible emissions from the enclosed flare shall not exceed 10 percent opacity as determined by EPA Method 9 (40 CFR 60 Appendix A). This condition applies at all times except during start-up, shutdown, and malfunction.
(9 VAC 5-80-110, Condition 13 of 07/17/98 Permit)

9. Operation of the landfill and landfill gas collection and control system shall result in emissions of each hazardous air pollutant (HAP) of less than 10 tons per year and any combination of HAPs of less than 25 tons per year, calculated as the sum of each consecutive 12 month period. For the purposes of this condition, a HAP is any pollutant listed in §112 (b)(1) of the federal Clean Air Act.
(9 VAC 5-80-110, Condition 12 of 07/17/98 Permit)

B. Operational Standards

1. **GCCS Operation** - The permittee shall operate the collection system such that methane concentrations at the surface of the landfill are less than 500 parts per million (ppm) above background conditions at the landfill, and negative pressure shall be maintained at each wellhead except as provided in 40 CFR 60.753(b). The permittee shall operate each interior, active wellhead in the collection system with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens. Compliance with each of the operational standards set forth in this condition is demonstrated in accordance with the applicable provisions of Condition III.D. (9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.753(b), (c), & (d), Condition 22 of 07/17/98 Permit)
2. **Gas Venting** - The permittee shall operate the system such that all collected gases are routed to a control system designed and operated in compliance with Condition III.A.3 [§60.752(b)(2)(iii)]. In the event that either the collection system or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one (1) hour. (9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.753(e), Condition 22 of 07/17/98 Permit)
3. **Control System** - The permittee shall operate the control system at all times when the collected gas is routed to the system. (9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.753(f), Condition 22 of 07/17/98 Permit)
4. **Corrective Action** - If monitoring demonstrates that the operational requirements of Conditions III.B.1 [§§60.753(b), (c) & (d)] are not met, corrective action shall be taken as specified in Conditions III.D.1.b, III.D.1.c [§§60.755(a)(3) through (5)] or III.D.3, III.D.4, & III.D.5 [§§60.755(c)]. If corrective actions are taken as specified, the monitored exceedance is not a violation of the operational requirements. (9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.753(g), Condition 22 of 07/17/98 Permit)

C. Test Method and Procedures

1. **Testing Facilities** - The permitted facility shall be constructed to allow for emissions testing at any time using appropriate methods. Upon request from

the Department, test ports will be provided at the appropriate locations. The permittee shall provide safe sampling platforms, safe access to sampling platforms, and utilities for sampling and testing equipment.

(9 VAC 5-80-110, 40 CFR 60.8(e)(1), Condition 4 of 07/17/98 Permit)

2. **Stack Test** - Every 5 years (beginning 5 years after completion of the initial compliance test) until the MSWL is closed (as defined in §60.751), and at other times upon request of the DEQ, the permittee shall conduct performance tests to demonstrate compliance with the emission limitations as follows:

NMOC, Toluene, and Hydrogen Chloride pound per hour limits in Condition III.A.6. Demonstration with the NMOC and Toluene pound per hour emission limits shall be based in part by applying a 75 percent collection efficiency and a 98 percent reduction efficiency (or actual reduction efficiency as measured) to the enclosed flare stack outlet concentration of the pollutant.

The details of the tests shall be arranged with the Director, Piedmont Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two (2) copies of the test results shall be submitted to the Director, Piedmont Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110, Condition 19 of 07/17/98 Permit)

3. **Nitrogen Testing** - Unless oxygen is tested, the nitrogen level at each wellhead shall be determined by using Method 3C.
(9 VAC 5-50-410, 40 CFR 60.753(c)(1))
4. **Oxygen Testing** - Unless nitrogen is tested, the oxygen level at each wellhead shall be determined by an oxygen meter using Method 3A or 3C, except for the following:
 - a. The span shall be set so that the regulatory limit is between 20 and 50 percent of the span.
 - b. A data recorder is not required.
 - c. Only a zero and a span calibration gas are required. Ambient air may be used as span.
 - d. A calibration error check is not required.
 - e. The allowable sample bias, zero drift, and calibration drift are +/- 10%.

(9 VAC 5-50-410, 40 CFR 60.753(c)(2))

D. Compliance Provisions and Monitoring

1. **GCCS Compliance** - To determine whether the gas collection system is in compliance with Condition III.A.2 [§60.752(b)(2)(ii)] the following specified methods shall be used.
 - a. For the purposes of determining sufficient density of gas collectors for compliance with Condition III.A.2.b [§ 60.752(b)(2)(ii)(A)(2)], the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Administrator, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.
 - b. To demonstrate sufficient extraction rate as required by Condition III.A.2.c [60.752(b)(2)(ii)(A)(3)], the permittee shall measure gauge pressure in the header at each individual active well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under §60.753(b). If a negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for corrective the exceedance may be submitted to the Administrator, for approval.
 - c. The permittee shall install at each wellhead a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements. To identify whether excess air infiltration is occurring, the permittee shall measure at each well monthly the temperature and either the nitrogen or oxygen concentration. If a well exceeds one of the operating parameters listed in Condition B.1 [§60.753(c)], action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for corrective the exceedance may be submitted to the Administrator, for approval.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.755(a), 40 CFR 60.756(a), Conditions 22, 23, and 24 of 07/17/98 Permit)

2. **Well & Component Placement** - The permittee shall place each well or design component as specified in the collection and control design plan approved by the DEQ. Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of 5 years or more if active, or 2 years or more if closed or at final grade.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.755(b), Conditions 22 and 24 of 07/17/98 Permit)
3. **Surface Methane Monitoring** - After installation of the collection system, the permittee shall monitor surface concentrations of methane to determine compliance with the surface methane operational standard of Condition B.1 [§60.753(d)]. Surface methane monitoring shall be conducted along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. This surface methane monitoring shall take place on a quarterly basis using an organic vapor analyzer, flame ionization detector or other portable monitor meeting the specifications provided in paragraph (d) of 40 CFR 60.755. The permittee may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographic map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.753(d), 40 CFR 60.755(c)(1), 40 CFR 60.756(f) Conditions 22 and 24 of 07/17/98 Permit)
4. **Surface Monitoring Method of Operation** - The background concentration of methane during surface emissions monitoring shall be determined for the instrument measuring the surface concentrations of methane by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.

Surface emissions monitoring shall be performed in accordance with section 4.3.1 of Method 21 of appendix A of 40 CFR Subpart 60, except that the probe inlet shall be placed with 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.755(c)(2) & (3), Conditions 22 and 24 of 07/17/98 Permit)
5. **Surface Methane Exceedances** - Any monitored surface methane reading of 500 ppm or more above background at any location shall be recorded as a monitored exceedance and the actions specified below shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements.

- a. The location of the exceedance shall be marked and recorded;
 - b. The permittee shall perform cover maintenance or make adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of the exceedance. The location shall be re-monitored within 10 calendar days of detecting the exceedance.
 - c. If re-monitoring of the location shows a second exceedance, the permittee shall take additional corrective action and shall monitor the location again within ten (10) days of the second exceedance. If the re-monitoring shows a third exceedance for the location, the permittee shall take the actions specified in paragraph e of this condition.
 - d. Any location that initially showed an exceedance but has a methane concentration less than 500 ppm above background at the 10-day re-monitoring specified in paragraphs b or c of this condition shall be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 ppm above the background, no further monitoring of that location is required until the next quarterly monitoring. If the 1-month re-monitoring shows an exceedance, the permittee shall take the actions specified in paragraph c of this condition.
 - e. For any location where the monitored methane concentration equals or exceeds 500 ppm above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Director, Piedmont Regional Office and the Administrator for approval.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.755(c)(4), Conditions 22 and 24 of 07/17/98 Permit)
6. **Closed Landfill Surface Methane Exceedances** - Any closed landfill that has no monitored exceedance of the operational standard in three (3) consecutive quarterly monitoring periods may skip to annual monitoring. However, any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring until the landfill has no monitored exceedance for three (3) consecutive quarterly monitoring periods.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.756(f), Conditions 22 and 24 of 07/17/98 Permit)
7. **Cover Integrity** - The permittee shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.752(b)(2)(iv), 40 CFR 60.755(c)(5), Conditions 22 and 24 of 07/17/98 Permit)

8. **Start-Up, Shutdown, Or Malfunction** - The provisions Subpart WWW apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for control devices.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.755(e), Conditions 22 and 24 of 07/17/98 Permit)

9. **Calibrate, Maintain, And Operate Monitoring Devices** - The permittee shall calibrate, maintain, and operate according to the manufacturers specifications the following equipment:

- a. For the enclosed flare - A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured in degrees Celsius ($^{\circ}\text{C}$) (or Fahrenheit ($^{\circ}\text{F}$)), or ± 0.5 $^{\circ}\text{C}$ (± 0.9 $^{\circ}\text{F}$) whichever is greater.
- b. For the open flare - A heat sensing device at the pilot light or flame itself to indicate the continuous presence of a flame.
- c. A device that records flow to or bypass of the enclosed flare and open flare. The permittee shall either:
 - (1) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the enclosed flare and open flare at least every 15 minutes; or
 - (2) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. If permittee elects to comply with this provision by securing the bypass line valve, then permittee shall perform a visual inspection of the seal or closure mechanism at least once every month to ensure that the valve is maintained in the closed position and that gas is not diverted through the bypass line.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.756(b) & (c), Conditions 23 of 07/17/98 Permit)

10. **Continuous Monitoring** - Unless otherwise approved by the DEQ, all continuous monitoring systems required by Subpart WWW shall be installed, calibrated, maintained and operated in accordance with 40 CFR §60.13 and the applicable requirements in Subpart WWW.

(9 VAC 5-80-110, Condition 21 of 07/17/98 Permit)

11. **Proper Operation And Maintenance** - Emissions shall be controlled by the proper operation and maintenance of the landfill gas collection and control system equipment. The permittee shall develop, maintain, and make available to all operators good operating procedures (in a written or electronic format) and a maintenance schedule for the GCCS. These procedures shall be based on the manufacturer's recommendations, at a minimum. Operating procedures and a maintenance schedule for all such equipment shall be established and made available to the DEQ, for review. All records required by this condition shall be on site for the most current 5-year period and made available for inspection by the DEQ.
(9 VAC 5-80-110, Condition 26 of 07/17/98 Permit)

E. Recordkeeping

1. **Fire avoidance** - The permittee shall record instances when positive pressure occurs in efforts to avoid a fire.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.753(b)(1), Condition 24 of 07/17/98 Permit)
2. **Capacity and Acceptance** - The permittee shall keep for at least 5 years up-to-date, readily accessible, on site records of the design capacity report dated June 6, 1996; the current amount of solid waste in place; and the year-by-year waste acceptance rate. Off site records may be maintained if they are retrievable within four (4) hours. Either paper copy or electronic formats are acceptable.
(9 VAC 5-40-410, 40 CFR 60.758(a), Condition 24 of 07/17/98 Permit)
3. **Control Equipment** - The permittee shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed below as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until the equipment is removed.
 - a. The landfills maximum expected gas generation flow rate as calculated in § 60.755(a)(1) or another method if approved by the Administrator.
 - b. The density of wells, horizontal collectors, and surface collectors or other gas extraction devices determined using the procedures specified in §60.759(a)(1).
 - c. For the enclosed flare, the average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test.
 - d. For the enclosed flare, the percent reduction of NMOC .

- e. For the open flare, the flare type; all visible emission readings; heat content determination; flow rate or bypass flow rate measurements; and exit velocity determinations made during the performance test as specified in §60.18; continuous records of the flare pilot flame or flare flame monitoring; and records of all periods of operations during which the pilot flame of the flare flame is absent.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.758(b), Condition 24 of 07/17/98 Permit)

- 4. **Equipment Parameters** - The permittee shall keep for 5 years up-to-date, readily accessible continuous records of:
 - a. The equipment operating parameters specified to be monitored in Conditions III.D.1 and III.D.9 [§60.756].
 - b. Periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. This includes all 3-hour periods during which the average combustion temperature was more than 28 °C below the average combustion temperature during the most recent performance test.
 - c. The indication of flow to the control device or indication of bypass flow or monthly inspections of the lock-and-key configurations used to seal bypass lines.
 - d. For the open flare, when operating, the flame or flare pilot flame monitoring specified in Condition III.D.9.b [§60.756(c)(1)] and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.758(c), Condition 24 of 07/17/98 Permit)

- 5. **Collection System** - The permittee shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system. This map shall provide a unique identification location label for each collector. In addition the permittee shall keep up-to-date, readily accessible:
 - a. Records of the installation date and location of all newly installed collectors as specified in Condition III.D.2 [§60.755(b)].
 - b. Documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as

provided by §60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided by §60.759(a)(3)(ii).

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.758(d), Condition 24 of 07/17/98 Permit)

6. **Exceedances** - The permittee shall keep for at least 5 years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards of III.B [§60.753], the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.758(e), Condition 24 of 07/17/98 Permit)

7. **Emissions** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Regional Office. These records shall include, but are not limited to:
- a. The yearly throughput of landfill gas, calculated monthly as the sum of each consecutive 12 month period.
 - b. The yearly accumulation of municipal solid waste, calculated monthly as the sum of each consecutive 12 month period.
 - c. Scheduled and unscheduled maintenance, and operator training.
 - d. All stack tests, visible emission evaluations and performance evaluations.

All records required by this condition shall be available for inspection by the DEQ and shall be current for the most recent 5 years.

(9 VAC 5-50-50, 9 VAC 5-80-110.E, Condition 24 of 07/17/98 Permit)

8. **Malfunction** - The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the landfill gas collection and control system, any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.

(9 VAC 5-50-410 and 40 CFR 60.7(b))

F. Reporting

1. **Landfill Closure** - The permittee shall submit a closure report to DEQ, Director Piedmont Regional Office and the Administrator within 30 days of waste acceptance cessation. The Administrator may request additional information as may be necessary to verify that permanent closure has taken

place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.757(d), Condition 24 of 07/17/98 Permit)

2. **Compliance Report** - As a part of the Annual Compliance Certification under General Condition VIII.D, the permittee shall submit reports of the following information:

- a. Value and length of time for exceedance of pressure, nitrogen or oxygen, and temperature standards as monitored according to Conditions III.D.1.b, III.D.1.c, and III.D.9 [§60.756(a), (b), & (c)]. The following shall also be included in the report:
 - (1) Records of instances when positive pressure occurs in efforts to avoid a fire, as required by Condition III.E.1 [§60.753(b)(1)].
 - (2) For the enclosed flare(s), all 3-hour periods of exceedance as required by Condition III.E.4.b[§60.758(c)(1)(i)].
- b. Description and duration of all periods when the gas stream is diverted through a bypass line or the indication of bypass flow.
- c. Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.
- d. All periods when the collection system was not operating for more than 5 days.
- e. The location of each exceedance of the 500 ppm surface methane standard and the concentration recorded at each exceedance location in the previous month.
- f. The date of installation and the location of each well or collection system expansion undertaken as required by Conditions III.D.1, III.D.2, or III.D.3 [§§60.755(a)(3), (b), & (c)(4)].

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.757(f), 40 CFR 60.753(b)(1), 40 CFR 60.758(c), Condition 24 of 07/17/98 Permit)

IV. Leachate Storage Tanks - NSPS Subpart Kb

The permittee shall keep readily accessible records for each storage vessel subject to Subpart Kb, as specified in 40 CFR 60.110b(a), showing the

dimensions of the storage vessel and an analysis showing the capacity of the storage vessel. These records shall be kept for the life of the vessel.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.116b(b))

V. Facility Wide Requirements - Limitations

Unless otherwise specified in this permit, visible emissions from the facility shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity.
(9 VAC 5-50-80 and 9 VAC 5-80-110)

VI. Future Applicable Landfill Requirements - (Emission Unit L01) [MACT]

National Emissions Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills

As used in this section, all terms shall have the meaning as defined in 40 CFR 63.2 of *Subpart A*, and 40 CFR 63.1990 of *Subpart AAAAA*. A copy of sections of 40 CFR Part 63 Subpart A and 40 CFR Part 63 Subpart AAAAA are attached.

The Landfill 'MACT' (40 CFR 63 Subpart AAAAA), published January 16, 2003, includes the following additional requirements for affected MSW landfills.

1. The compliance date with respect to the requirements of 40 CFR Part 63, Subpart AAAAA is January 16, 2004.
(40 CFR 63.1945(f))
2. A "Startup, Shutdown and Malfunction" (SSM) Plan shall be developed and implemented for the facility according to the provisions in 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site.
(40 CFR 63.1960)
3. Annual reports of the operation of the GCCS as required by §60.757(f) of NSPS Subpart WWW will be required semi-annually beginning with the first report after the compliance date of January 16, 2004.
(40 CFR 63.1980)
4. Records and reports required by 40 CFR 63, Subpart AAAAA, with respect to the SSM plan should include:
 - a. Actions taken during a SSM event that are consistent with the SSM plan shall be recorded as required by §63.6(e)(3)(iii) and §63.10(b) and reported in the semi-annual SSM reports submit as required by §63.6(e)(3)(iii) and §63.10(d)(5).
 - b. Actions taken during a SSM event that are inconsistent with the SSM plan

must be recorded, as required by §63.6(e)(3)(iv), and reported within 2 working days of the event, followed by a letter to the Administrator within 7 working days after the end of the event, in accordance with §63.10(d)(5). Any new actions that are indicated as appropriate during an SSM event shall be incorporated in a new SSM Plan.
(40 CFR 63.6(e)(3) & 63.10(d)(5))

(40 CFR 63.1930 through 63.1990, 63.6(e)(3), 40 CFR 63.10(b) & (d))

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
9 VAC 5-40-5800	Emission Standards for Sanitary Landfills	This article only applies to municipal solid waste landfills which commenced construction, reconstruction or modification before May 30 1991.
40 CFR 60 Subpart Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	This Subpart only applies to municipal solid waste landfills which commenced construction, reconstruction or modification before May 30 1991.

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of 5 years. The expiration date shall be the date 5 years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least 6 months but no earlier than 18 months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- a. The date, place as defined in the permit, and time of sampling or measurements.
- b. The date(s) analyses were performed.
- c. The company or entity that performed the analyses.
- d. The analytical techniques or methods used.
- e. The results of such analyses.
- f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations

from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Piedmont Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Regional Office.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement, or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final

amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E and 40 CFR 60.11(d))

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within 5 days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

- a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within 2 working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
 4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such

failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)